

EXHIBIT C

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1 Q. It says they had several
2 different tactics to force me into falsely
3 implicating Don but mainly threats of
4 charging me with Mal's murder.

5 Is that true?

6 A. No.

7 Q. If we take out the -- well,
8 I'll just ask you this: Should it be
9 changed to say but mainly threats of
10 charging me with cases?

11 A. This is becoming too much.
12 I'm about to hang up on this shit.

13 Q. Mr. Paladino, do you want to
14 take a quick break?

15 A. Yeah, because it's...

16 Q. How much time do you need?

17 A. I don't know. I just -- I
18 want to be done with this. I keep telling
19 y'all people this. I want to be done. I
20 want to be left alone.

21 Q. I understand that but, you
22 know, you're currently under oath and here
23 pursuant to a subpoena and we all have jobs
24 to do so I'd appreciate it if we can at

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1 least get done my questioning today. I can
2 give you as much time as you need but I'm
3 actually -- you know, I don't have that much
4 more so, you know, if your desire is to get
5 at least today done I'd like to proceed.

6 VIDEO TECHNICIAN: Do you want
7 to take a break and go off the
8 record?

9 THE WITNESS: Yeah, I'm going
10 to go take a break. I'm going to go
11 use the bathroom and...

12 VIDEO TECHNICIAN: All right.
13 The time is 2:39 p.m. We're going
14 off the video record.

15 - - -

16 (Whereupon a short break was
17 taken at this time.)

18 - - -

19 MR. VAN NAARDEN: Are we back
20 on the record, Kelly?

21 MADAM REPORTER: Yes.

22 BY MR. VAN NAARDEN:

23 Q. Look, you know, I know you
24 don't want to be here and I know you're

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1 frustrated but, you know, we all have a job
2 to do and you're subpoenaed to be here and
3 we would like to continue.

4 A. So is that supposed to trump
5 my mental capacity, my mental well --

6 Q. No. No. If you don't feel
7 that you're mentally, mentally capable of --

8 A. You know, I've dealt with this
9 for 22 years. I was supposed to be done
10 with it. I saw what I saw. I live through
11 this every day, not you all.

12 Q. Can we -- look, I recognize
13 all of that. I can't, obviously, force you
14 to continue today. I would like to continue
15 but the ball's in your court.

16 A. Technically I am being
17 forced --

18 Q. No, I mean --

19 A. -- again.

20 Q. If you say -- if you say to
21 me, Mr. Paladino, look, I'm done for today,
22 I'm spent --

23 A. No.

24 Q. -- I can't concentrate, then

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1 we can --

2 A. I want to be done, period. I
3 don't want nothing to do with none of this.

4 Q. I understand that.

5 Unfortunately, we have to press on. And I'm
6 not the only one who's entitled to ask you
7 questions. The city is as well. I don't
8 know what to tell you, you know. So you got
9 to tell me what you want to do.

10 A. I just told you what I want to
11 do. I want to be done with this. I don't
12 want nothing to do with none of this.

13 Q. And understanding that you
14 don't wish to proceed, then the next
15 question is even though you don't want to
16 are you willing to press on?

17 A. And if I don't you all lock me
18 up.

19 Q. Look, I'm not -- I'm not
20 making any representations to you. All I'm
21 saying is, you know, there may be
22 ramifications to leaving a deposition and
23 not honoring a subpoena. That's all I can
24 tell you. I'm not your lawyer. I don't

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1 represent you. I cannot make any
2 representations as to what will or will not
3 happen if you, you know, turn off the camera
4 and you leave. It would be inappropriate
5 for me to do that. So all I can tell you is
6 everybody has a job to do. Everybody's
7 going to do what they have to do to get what
8 is necessary in relation to Don's case.

9 A. So to get whatever's necessary
10 that means cause me more mental pain and
11 anguish.

12 Q. Look, I don't want to get into
13 a dialogue with you about it. It would be
14 inappropriate. I mean, I have a job to do,
15 it's to ask you questions. The city has a
16 job to do, to ask you questions. You know,
17 we don't, as lawyers, we don't have the
18 physical force to --

19 A. I want to ask all parties to
20 exclude me.

21 Q. I understand that and we
22 understand those are your wishes.

23 VIDEO TECHNICIAN: Just to let
24 you know, we didn't go back on the

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1 video yet. This is all just
2 stenographic.

3 MR. VAN NAARDEN: Okay. We
4 should be on the video anytime we're
5 on the record. It's a videotaped
6 deposition.

7 VIDEO TECHNICIAN: Okay. You
8 got to give me a second to set it up
9 and make sure the court reporter's
10 ready. Do you want to go on now?

11 MR. VAN NAARDEN: I thought we
12 were.

13 VIDEO TECHNICIAN: Okay.
14 Stand by. The time is 2:50 p.m.
15 We're back on the video record.

16 BY MR. VAN NAARDEN:

17 Q. Mr. Paladino, I would like to
18 continue my questioning. Would you be
19 amenable to continuing? I know you don't
20 want to and you've told us that.

21 A. Again, for the record, I want
22 to be excluded.

23 Q. I understand. And your wishes
24 are noted on the record but all the parties

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1 here would like to proceed as we have a
2 legal right to do. So, I mean, those are
3 the options. If you say to me, listen, I'm
4 tired for the day and, you know, we can
5 adjourn and complete this another day,
6 that's totally valid and we can accommodate
7 you. I mean, obviously, the city has made
8 representations they want to meet you in
9 person and do a deposition there as well.
10 So, you know, there are other things that
11 are going to have to happen and I understand
12 you don't want it to happen but that's where
13 we are. I'm trying to get through this as
14 I'm sure you are so I just need to know.
15 Like, I'll just continue asking questions
16 and we'll see where we go if that's okay
17 with you. I can't, you know --

18 A. I want to be done for now.

19 Q. So what does that mean? Are
20 you --

21 A. It means you can adjourn for
22 today.

23 Q. Okay.

24 MR. VAN NAARDEN: So just to

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1 put on the record I just want --
2 that's fine. I'm just going to put
3 on the record I'm not done my
4 questioning. I intend on asking
5 additional questions. At the
6 witness's request we are adjourning
7 for today. And as this is being done
8 via remote we have no legal recourse
9 to compel the deposition to move
10 forward beyond this moment but that
11 we reserve the right to complete the
12 deposition at a later time either via
13 Zoom or in person.

14 MS. ROSENTHAL: I would like
15 to discuss --

16 MR. VAN NAARDEN: Before you
17 leave, Mr. Paladino, I'm going to
18 give the city an opportunity to put a
19 statement on the record if they so
20 choose.

21 MS. ROSENTHAL: Yeah. I
22 want -- I wanted to discuss the
23 scheduling of the city's deposition
24 in person because -- because all

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1 counsel's present here right now. So
2 we would like to be able to do it in
3 the next two weeks --

4 MR. VAN NAARDEN: Well,
5 that -- Danielle, not to interrupt
6 you but, like, because this
7 deposition is not yet completed we
8 have to finish this deposition first
9 before we start yours. We can do it
10 the same day. I don't have that much
11 more but I'm just letting you know
12 that.

13 MS. ROSENTHAL: Well, how do
14 you -- can we go off the record for
15 this?

16 MR. VAN NAARDEN: If you want,
17 sure. Sure.

18 MS. ROSENTHAL: I mean, how
19 should we -- I'm just thinking --

20 VIDEO TECHNICIAN: The time
21 is -- sorry. The time is 2:53 p.m.
22 This is the end of today's
23 deposition. We're going off the
24 video record.